

No. 2:10-CR-54-F

Defendant.

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To waive all rights, whether asserted directly or through a representative, to request or receive from the United States any records pertaining to the investigation or prosecution of this matter, except as provided in the Federal Rules of Criminal Procedure. *This waiver includes, but is not limited to, rights conferred by the*

Freedom of Information Act of 1974.”

An independent review of Defendant’s plea agreement indicates that she, indeed, waived her rights conferred by the FOIA. Accordingly, to the extent that Defendant is requesting a copy of the Grand Jury Transcripts under the FOIA, that request is **DENIED**.¹ The Government is advised to forward Defendant’s request to the OIP for normal processing, if it has not already done so, with the added notification that Defendant has waived any such right under the FOIA.

SO ORDERED

This the 21st day of June, 2012.



JAMES C. FOX
Senior United States District Judge

¹ Rule 6(e) of the Federal Rules of Criminal Procedure governs secrecy and disclosure with regard to grand jury proceedings. According to the Supreme Court, “[p]arties seeking grand jury transcripts under Rule 6(e) must show that the material they seek is needed to avoid a possible injustice in another judicial proceeding, that the need for disclosure is greater than the need for continued secrecy, and that their request is structured to cover only material so needed.” *Douglas Oil Co. v. Petrol Stops Northwest*, 441 U.S. 211, 222 (1979).